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UNCLAS SECTION 01 OF 02 MANILA 005710

SIPDIS

SENSITIVE

DEPT FOR EAP, EAP/MTS, G/TIP, EAP/MLS, EAP/RSP, INL, DRL/IL, DRL/CRA, EAP/PD
DEPARTMENT PLEASE PASS USAID FOR ANE/TS - L. SAULS
LABOR FOR ILAB
BEIJING FOR AMBASSADOR JOHN R. MILLER

E.O. 12958: N/A

TAGS: PGOV PHUM PREL KWMN ELAB KCRM RP MY

SUBJECT: TIP: TWO DEFENDANTS SENTENCED TO LIFE IMPRISONMENT UNDER ANTI-HUMAN TRAFFICKING LAW

REF: A. MANILA 5633

1B. MANILA 5373
1C. MANILA 5326
1D. MANILA 4984

11. (U) This message is Sensitive but Unclassified -- Please handle accordingly.

12. (U) Summary: On December 5, a regional court in Zamboanga City, Mindanao, sentenced two members of a trafficking syndicate to life imprisonment for recruiting a victim and selling her to a brothel in Malaysia. This marks the first jail sentence handed down under the Philippines' 2003 anti-trafficking law. Regional prosecutors attributed the relative speed of the case (four months from start to finish) to close cooperation between their office and police, and the high priority the judge gave the trial. Word of the convictions has been played up in the press. The convictions were a signal event, but need to be followed up by additional prosecutions and convictions. End Summary.

Court Hands Down Life Sentences

13. (U) The Ninth Regional Trial Court in Zamboanga City located on the island of Mindanao in the southern Philippines sentenced two traffickers to life imprisonment and a fine of 2.5 million pesos (USD 47,000) on December 5. (Note: The trial judge issued the decision on November 29, but it was officially promulgated on December 5. End Note.) The court also ordered the accused to pay 100,000 pesos (USD 1880) for "moral and exemplary damages plus court costs" to the victim. The judge found both defendants guilty of "qualified" trafficking under Republic Act 9208, the Philippines anti-trafficking in persons act of 2003, and illegal recruitment, both of which carry life prison sentences. The case marks the first convictions under R.A. 9208 resulting in a jail sentence. (Note: In November, three individuals pled guilty to a minor offense under R.A. 9208 and received a sentence of six months of community service -- see ref A. End Note.)

14. (U) According to the court's December 5 finding, three individuals (all Filipino nationals) associated with a trafficking syndicate recruited the victim, a Filipino national, for a job in a restaurant in Kota Kinabalu, Malaysia, in exchange for a 28,000 peso (USD 530) placement fee. After obtaining false documents, the traffickers escorted the victim to Malaysia, where they sold her to the owner of the "Pipen Club" on Labuan island in Sabah. From June 14 to July 8, 2005, the victim was forced to service sexually several customers per night and was beaten on several occasions before escaping with the help of relatives living in Malaysia. She returned to Zamboanga and filed a complaint with police there on August 2, 2005. The police arrested the two suspects who were convicted on December 5, and charged them with trafficking and illegal recruitment. A third suspect named in the complaint remains at large.

15. (U) The two convicted traffickers are expected to appeal. They remain incarcerated.

Prosecutor's Remarks

16. (SBU) In a December 5 meeting with Ambassador John Miller of G/TIP held in Zamboanga, Regional State Prosecutor Ricardo Cabaron -- who personally directed the case -- said his office had been able to move the case forward so quickly (four months from arrest to convictions) because of close prosecutorial cooperation with local police and strong support from local officials. Cabaron also noted that the judge had made the case a high priority and held weekly "marathon" hearings until it was resolved. (Note:

Ambassador Miller visited the Philippines from December 3-6.
Please see Septel report on his visit. End Note.)

Positive Press Reaction

17. (U) Word of the convictions has been played up in the press. The Philippine Department of Justice released a statement detailing the case and the sentencing decision on December 6, which received coverage. Several national newspapers also ran articles about the convictions quoting Ambassador Miller's comments referencing the matter during his December 6 press availability. A December 6 editorial in the Philippine "Inquirer," a major national newspaper, praised the convictions as long overdue. Zamboanga City Mayor Celso Lobregat was quoted by the press as stating at a December 6 press conference: "This should serve as a warning against human traffickers that the city is serious in the prosecution of anti-trafficking."

Comment

18. (SBU) The speed with which the case sailed through is remarkable. Cases of all kinds in the Philippines typically take two to three years to complete due to an overburdened court system, intermittent hearings, and poor police-prosecutor cooperation. Officials in Zamboanga were among the first to receive USG-funded training in how to build effective cases under the anti-trafficking law in June 2005 -- see ref D. The convictions were very good news, but need to be followed up by additional prosecutions and convictions.

19. (U) Ambassador Miller did not have the opportunity to review this message.

JONES